

ENTERED

July 01, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT T. BROCKMAN

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Criminal No. 4:21-cr-00009

SCHEDULING ORDER

With the agreement of the parties, the Court enters the following Scheduling

Order:

1. The government shall produce any outstanding materials discoverable under Rule 16 of the Federal Rules of Criminal Procedure, *Giglio v. United States*, 405 U.S. 150 (1972), and *Brady v. Maryland*, 373 U.S. 83 (1963) by **AUGUST 1, 2022**. Any *Brady-Giglio* material subsequently discovered must be promptly disclosed. Any Rule 16 material subsequently acquired by the government or any of its agents subject to Rule 16 must be produced within FOURTEEN CALENDAR DAYS of receipt or acquisition by government counsel or its agents. Failure to do so will preclude use of any such evidence by the government (other than for impeachment or rebuttal) absent a showing of good cause. As to any such Rule 16 material produced after August 1, 2022, the burden shall be on the government to demonstrate compliance with the fourteen-day exception, or show good cause.

2. All motions to dismiss or to sever based on the face of the operative indictment, or any other motion based on the face of the operative indictment, shall be filed by **AUGUST 23, 2022**.
3. All Rule 8 motions, motions for bills of particulars, or motions for discovery of jury composition records shall be filed by **SEPTEMBER 23, 2022**.
4. Any motion by the government to keep secret the names and identities of civilian witnesses, who otherwise shall be disclosed as set forth hereafter, shall be filed by **SEPTEMBER 23, 2022**. Any such motion must be specific as to the risks and reasons by individual witness and may be under seal and ex parte. Abbreviated memoranda and declarations must be served on defense counsel allowing them to at least know the themes advanced under seal and ex parte. The submissions must address whether a protective order restricting the use of the information would suffice. Any of the aforementioned Rule 16 materials that may require sealing must still be produced by the deadline with the names and identities of the civilians in questions redacted.
5. All motions to suppress, motions alleging any defect in instituting the prosecution, motions for disclosure of informants, or motions alleging selective prosecution shall be filed by **OCTOBER 14, 2022**.
6. The parties' expert witness reports and summaries, in compliance with Federal Rules of Criminal Procedure 16(a)(1)(G) and 16(a)(1)(C), shall be produced by **OCTOBER 14, 2022**.


7. All proposed Rule 404(b) material shall be disclosed to defense counsel by **OCTOBER 14, 2022.**
8. All co-conspirator statements which the government seeks to admit into evidence under Federal Rules of Evidence 801(d)(2)(E) shall be disclosed to defense counsel by **OCTOBER 14, 2022.**
9. All motions to exclude/include Rule 404(b) acts shall be filed by **NOVEMBER 10, 2022.**
10. All motions to exclude co-conspirator statements shall be filed by **NOVEMBER 10, 2022.**
11. All Rule 16 defense reciprocal disclosures, in compliance with Federal Rules of Criminal Procedure 16(b)(1), and any Rule 12.1 and 12.2 defense notices, if any, shall be produced to the government by **NOVEMBER 16, 2022.** Any mental examinations shall occur on a schedule to be set by motion.
12. The government shall provide all material required to be disclosed under the Jencks Act, 18 U.S.C. § 3500 by **December 1, 2022.**
13. The parties' rebuttal expert witness reports and summaries shall be filed by **DECEMBER 16, 2022.**
14. The parties' Motions in Limine, and Motions under Daubert, if any, shall be filed by **JANUARY 13, 2023.**
15. The parties' trial exhibit and witness lists, shall be provided by **FEBRUARY 3, 2023.**

16. The parties' proposed jury instructions and proposed voir dire questions shall be filed by **FEBRUARY 13, 2023**.

17. On **FEBRUARY 21, 2023**, the final pretrial conference shall be held.

18. On **FEBRUARY 27, 2023**, trial shall commence at 9:00 A.M. with jury selection.

So ORDERED, this 1st day of July, 2022.



George C. Hanks, Jr.
United States District Judge